

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA

v.

COLBY JOHN KOPP,

Defendant.

1:22cr190 (LMB)

ORDER

Defendant has filed an Unopposed Motion to Continue Sentencing Hearing, offering as the only reasons for the month-long delay requested that defense counsel needs more time to “adequately address sentencing issues” and that the parties need more time to determine whether defendant is eligible for a sentence below the five year mandatory minimum sentence.<sup>1</sup> The April 18, 2023 sentencing date was set on January 17, 2023, when the defendant pleaded guilty. Based on that schedule, the probation office met its deadline and disclosed the Presentence Investigation Report to the parties on March 9, 2023, [Dkt. No. 47] at 1, and defense counsel filed his objection to the 4-level enhancement to the offense level under USSG § 3B1.1(a) for leadership role.

Given the amount of time defense counsel has had to address sentencing issues and his awareness since March 9, 2023 of the proposed Presentence Investigation Report, the Court does not find good cause to continue the April 18, 2023 hearing to which counsel had agreed back in January 2023.


For these reasons, it is hereby

ORDERED that defendant’s Unopposed Motion to Continue Sentencing Hearing be and is  
DENIED.

The Clerk is directed to forward copies of this Order to counsel of record.

Entered this 7<sup>th</sup> day of April, 2023.

Alexandria, Virginia

/s/   
Leonie M. Brinkema  
United States District Judge

<sup>1</sup> Counsel erroneously argues that the defendant faces a mandatory minimum sentence of 120 months’ incarceration. The mandatory minimum defendant faces is 5 years’ incarceration.